

1 NATALIE A. PIERCE, Bar No. 191342

npierce@littler.com

2 AURELIO PEREZ, Bar No. 282135

aperez@littler.com

3 LITTLER MENDELSON, P.C.

650 California Street

4 20th Floor

San Francisco, California 94108.2693

5 Telephone: 415.433.1940

Facsimile: 415.399.8490

6 Attorneys for Defendant

7 ZURICH AMERICAN INSURANCE COMPANY

8
9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11
12 DAVID LOFTON,

13 Plaintiff,

14 v.

15 ZURICH AMERICAN INSURANCE
COMPANY, a New York corporation,

16 Defendant.

Case No. 3:12-cv-03835-MMC

**STIPULATION REGARDING TRANSFER
OF CASE FROM THE HONORABLE
JUDGE MARIA-ELENA JAMES AND
[PROPOSED] ORDER**

Second Amended

Complaint Filed: October 23, 2012

Trial Date: December 20, 2013

1 TO THE HONORABLE COURT AND TO ALL PARTIES AND COUNSEL:

2 Plaintiff DAVID LOFTON and Defendant ZURICH AMERICAN INSURANCE
3 COMPANY (collectively, the "Parties"), by and through their counsel of record, hereby stipulate
4 and agree as follows:

5 WHEREAS, on or around November 2, 2012, the parties held an initial case management
6 conference before the Honorable Maxine M. Chesney at which time the Court scheduled the
7 dispositive motion filing cut off for this case for August 30, 2013.

8 WHEREAS, during the same case management conference, Judge Chesney referred this case
9 to Magistrate Judge Maria-Elena James for a settlement conference to be conducted in February
10 2013, her calendar permitting.

11 WHEREAS, a case settlement conference was originally scheduled before Judge James for
12 February, 2013 but was continued on a number of occasions such that the case management
13 conference is now scheduled to occur on September 4, 2013 -- after this Court's deadline for the
14 filing of dispositive motions in this Case.

15 WHEREAS, in hopes of achieving settlement through such conference without burdening the
16 Court with a summary judgment motion, counsel for Defendant Zurich American Insurance
17 Company has informally communicated with the Honorable Joseph C. Spero's clerk and determined
18 that he has availability for a July 18, 2013 settlement conference.

19 IT IS NOW HEREBY STIPULATED AND AGREED that: for purposes of settlement
20 conference, the above action may and will be reassigned and transferred from the Honorable Maria-
21 Elena James to the Honorable Joseph C. Spero in order that the Parties may conduct a timely
22 settlement conference.

23 Dated: May 31, 2013

Respectfully submitted,

24 /s/ Aurelio J. Perez

Natalie E. Pierce

Aurelio J. Perez

LITTLER MENDELSON, P.C.

A Professional Corporation

Attorneys for Defendant ZURICH AMERICAN
INSURANCE COMPANY

1 I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS
2 ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN IT.

3 Dated: May 31, 2013

Respectfully submitted,

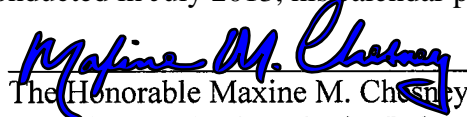
4
5 /s/ George J. Barron

George J. Barron
DONAHUE GALLAGHER WOODS LLP
Attorneys for Plaintiff
DAVID LOFTON
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ORDER**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Consistent with the Parties' Stipulation, ~~notice regarding reassignment of this case and the~~
the reference to the Honorable Maria-Elena James is hereby withdrawn, and the above-titled action
~~hearing date for the above-referenced settlement conference shall be forthcoming from the Court.~~
is hereby referred to the Honorable Joseph C. Spero for purposes of conducting a settlement
conference. The Settlement Conference shall be conducted in July 2013, his calendar permitting.

DATED: June 4, 2013


The Honorable Maxine M. Chesney
United States Senior District Judge

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